

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BERNADETTE SKORUPSKA,

Plaintiff,

-against-

525 WEST 52 PROPERTY OWNER LLC, CITY OF
NEW YORK, PHIPPS HOUSING DEVELOPMENT
CORPORATION, and TACONIC MANAGEMENT LLC,

Defendants.
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**DECLARATION IN
SUPPORT OF DEFENDANT
CITY OF NEW YORK'S
MOTION FOR SUMMARY
JUDGMENT**

20 Civ. 2831 (KPF)

LOUISE MOED declares, under penalty of perjury and pursuant to 28 USC § 1746, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of GEORGIA M. PESTANA, Corporation Counsel of the City of New York, attorney for defendant the City of New York (the "City").¹

2. I am familiar with the facts and circumstances of the instant case based upon records and files maintained by the City, upon statements of City employees, and upon the exhibits referenced hereinbelow.

3. I submit this declaration in order to identify the exhibits being submitted in support of the City's motion, pursuant to FRCP 56, for summary judgment.

¹ Plaintiff also named the New York City Department of Housing Preservation and Development ("HDP") as a defendant, but HPD was dismissed *sua sponte* by this Court shortly after the matter was commenced.

EXHIBITS PROVIDED HERETO

4. The City submits the following documents as exhibits in support of its motion for summary judgment:

<u>Exhibit Number</u>	<u>Description of Exhibit</u>
1.	Deed for the land on which the building known as 525 West 52 nd Street, Manhattan (the “subject development”) is built
2.	Regulatory Agreement and Amendment governing the affordable unit in the subject development
3.	Land Disposition Agreement regarding the subject development
4.	Marketing Handbook dated October 2016
5.	Advertisement for affordable units in the subject development
6.	HPD January 20, 2015 Departmental Memorandum annexing an architect's pre-construction compliance statement regarding the subject development
7.	HPD June 5, 2018 Departmental Memorandum annexing an architect's post-construction compliance statement regarding the subject development
8.	Plaintiff's application file (redacted to omit personal medical and financial information not necessary to HPD's defense herein) ²
9.	Lottery log excerpt showing disability and rent voucher information for the 6 applicants who were offered affordable set-aside units at the subject development ³

² Upon request, an unredacted copy can be provided to the Court for *in camera* review.

³ See information regarding Exhibit 9 in paragraph 5 hereinbelow.

10. Final Applications Report for the affordable units at the subject development (redacted)⁴
11. Disability documentation for plaintiff's son (redacted)⁵
12. Disability documentation for the 5 other applicants who were offered affordable set-aside units at the subject development (redacted)⁶
13. Plaintiff's emails to HPD between May and December 2018
14. Plaintiff's 2019 complaint to the New York State Commissioner on Human Rights ("NYSDHR") and the U.S. Department of Housing and Urban Development ("HUD")
15. HPD's response to plaintiff's 2019 complaint to the NYSDHR and HUD (exhibits omitted, as all of them are exhibits to the instant motion)
16. NYSDHR and HUD findings of insufficient evidence of discrimination
17. Transcript of plaintiff's deposition
18. "Comparison of Section 8 and Public Housing Occupancy Standards" chart used as an exhibit by plaintiff at the deposition of Nickeisha Smith Silvera

Exhibit 9: Lottery log excerpt

5. The lottery log for the lease-up at issue herein of the subject development contains personal medical and financial information about 75,320 non-parties who applied for an affordable unit at the subject development.

⁴ Upon request, an unredacted copy can be provided to the Court for *in camera* review.

⁵ Upon request, an unredacted copy can be provided to the Court for *in camera* review.

⁶ Upon request, unredacted copies can be provided to the Court for *in camera* review.

6. Exhibit 9 is an excerpt of the final version of the lottery log received by HPD from defendant Phipps Houses Services, Inc. At my request, a staff member in the Law Dept.'s Document and Data Processing Unit deleted the rows and columns not relevant to the issues herein and left only the rows and columns showing the disability and rent voucher information of the six applicants who were offered an affordable set-aside unit at the subject development. The data displayed in the excerpt has not been altered in any way from the final lottery log sent to HPD by Phipps. Upon request, the full lottery log of the 75,321 applicants to the subject development can be sent as an Excel spreadsheet to this Court for *in camera* review.

WHEREFORE, it is respectfully requested that this Court grant the City's motion for summary judgment and dismiss all of the claims against it.

Dated: New York, New York
November 15, 2021

/s
LOUISE A. MOED
Assistant Corporation Counsel